

**BOARD OF SELECTMEN  
NOVEMBER 19, 2012**

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**I. Call to Order/Roll Call**

Chairman Paul Salafia called the Regular Meeting of the Board of Selectmen to order at 7:02 P.M. in the Selectmen's Conference Room at the Town Offices. Present – Roll Call: Chairman Salafia-Y and Selectmen Alex Vispoli-Y, Brian Major-Y and Mary Lyman-Y. Selectman Dan Kowalski was teleconferenced in to the meeting. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

**II. Opening Ceremonies**

Chairman Salafia asked for a Moment of Silence followed by the Pledge of Allegiance.

**III. Communications/Announcements/Liaison Reports**

The Town Manager made the following announcements:

- ~ Offered his thanks to Veterans Services Director Mike Burke, the Patriotic Committee, Trustees of the Spring Grove Cemetery on the Veterans' Day Ceremonies with a special thanks to all those responsible for the new Veterans Memorial at Spring Grove Cemetery and the American Legion Post 8 who donated the granite bench.
- ~ Recognized the adoption of sharrows, an international symbol to share the road with others, placed on a variety of streets in Andover by the DPW and Town Planners.
- ~ The Town of North Reading is submitting a MEPA request to secure water/sewer from other towns and to pursue an inter-basin transfer. It will not affect Andover's five-year agreement with North Reading as this will take several years to implement.
- ~ There will be no curbside leaf pickup Thanksgiving week and pickup will end the week of November 29<sup>th</sup>.
- ~ The Holiday Parade will be held on Sunday, November 25<sup>th</sup> at 1:00 P.M. and start at Whittier Street.

Town Clerk Larry Murphy commented on the November 6<sup>th</sup> Presidential Election in which a record 18,830 ballots were cast. It was a multi-department effort and he acknowledged everyone who assisted particularly the 99 AHS students who helped out.

Selectman Vispoli thanked everyone who participated in the Mid-Year Review in which a presentation on the results of the Citizen Survey were presented, a discussion was held on the Town Yard and a special presentation by the Economic Development Council was given. He announced that an Information Technology Forum will be held at the Public Safety Center on November 20<sup>th</sup> with Tim Sullivan from the State's Technology Department speaking about the State's Technology initiatives and a presentation by our CIO Paul Puzanghere on Andover's current vision and plan followed by a question and answer

session.

Selectman Lyman thanked the Town Clerk and his staff on the successful election process on November 6<sup>th</sup> and also thanked Mike Burke on the outstanding Veterans' Day Ceremony.

Selectman Major wished everyone a Happy Thanksgiving and said two great events will be held that day – the Feaster Five Road Race and the Andover/Central Catholic Football Game at Andover High School's Lovely Field.

Selectman Kowalski congratulated Police Officer Evan Robitaille for his work with the Trauma Intervention Program which provides services to multiple towns in the Merrimack Valley. Officer Robitaille was recognized at the annual banquet for performing humanity in kindness above and beyond the call of duty.

Chairman Salafia commented on several items: the Mid-Year Review was terrific, the Veterans' Day Ceremonies were respectful and well-organized and he welcomed Salvatore's Restaurant to Andover following a grand opening this evening. The Board has taken an initiative to welcome new businesses to Town with assistance from many of the Town departments.

Selectman Vispoli reported that the first draft of the Economic Development Council's booklet on doing business in Andover is finished and the information includes steps and processes to follow to open a business in Andover. Assistant Town Manager Steve Bucuzzo said the permit process for new businesses is available on-line.

#### **IV. Citizens Petitions & Presentations**

Bob Pokress, 8 Cherrywood Circle, asked if there will be a public discussion tonight on the Town Yard. Chairman Salafia said there will be a discussion on the Town Yard but it is a Work Session item without public input, however, there will be a public meeting for public comment in the near future.

#### **V. Public Hearing**

##### **A. FY-2013 Tax Classification – Continued Public Hearing**

Tax Assessor David Billard provided information to the Board on the FY-2013 Classification at the November 5<sup>th</sup> Board meeting to assist them in making their decision on the four votes they are required to make. The Board will vote on the following: Residential Factor, Open Space Discount, Residential Exemption, and Commercial Exemption.

##### **Public Comments:**

Joe Bevilacqua, President/CEO of the Merrimack Valley Chamber of Commerce reiterated his request to vote a low tax rate for small and mid-size businesses or

maintain the current rate. Small and mid-size businesses face a more difficult task of competing with larger companies and maintaining a low tax rate will allow them to remain viable.

Bob Pokress, 8 Cherrywood Circle, said residential taxpayers are still under tremendous financial pressure and the Board should consider the significant burden residents would bear if the Board votes to shift a higher tax rate on residents. There are a large number of homeowners who are not receiving 100% of services (no children in school) but continue to pay at the same tax rate.

Mark Spencer, 13 Sunset Rock Road, recognized the new willingness of Town leaders to encourage business in Andover. However, there is little justification for classification other than to keep the residential tax low while placing a higher tax rate on businesses which is an impediment to attracting new business.

#### Board of Selectmen

Selectman Lyman motioned to approve a tax factor of 147 for both Residents and Commercial/Business. Selectman Major seconded the motion stating the 147 factor creates the same proportion increase for both residents and commercial.

Discussion: Selectman Kowalski said the average annual tax rate over the last four years (FY-08 to FY-11) has been greater for residents than the commercial/business community. The 147 factor appears to be the most appropriate for the current fiscal year; however the next option is the 148 factor and increases the Resident tax 2.2%, Commercial 2.8%, and Industrial 2.6%.

The Board discussed the differences between the 147 and 148 factors and the impact on taxes, which Selectman Major indicated would be a reduction of about \$22 for residents, an increase of approximately \$340 for Commercial, and \$600 increase for Industrial and is not a shift he would support.

Chief Assessor Dave Billard explained that a half factor (.5) factor is possible at the Board's discretion. In doing so, the Board would have to vote to designate an individual to input the information on the LA5 with the Dept of Revenue. A factor of 147.5 would increase the Residential tax an average of 2.3%, Commercial 2.4% and Industrial 2.5%. The 147.5 factor offers the most uniform increase.

Vote on motion of a tax factor of 147: Roll call vote: Selectman Major -Y, Selectman Lyman-N, Selectman Vispoli-N, and Chairman Salafia-N. Motion fails.

Motion: Selectman Vispoli motioned to authorize the Chief Assessor and Town Clerk to

sign any and all tax rate recap forms in the Massachusetts Department of Revenue DLS Gateway website on behalf of the Board of Selectmen. The motion was seconded by Selectman Lyman and voted 4-0 to approve. Roll call vote: Selectman Major –Y, Selectman Lyman-Y, Selectman Vispoli-Y, and Chairman Salafia-Y.

Motion: Selectman Lyman motioned to adopt a Residential Factor of 88.2136% producing a result of 147.5. The motion was seconded by Selectman Major and voted 4-0 to approve. Roll call vote: Selectmen Brian Major–Y, Mary Lyman-Y, Alex Vispoli-Y, and Chairman Paul Salafia-Y.

Motion: Selectman Major motioned to adopt a discount factor of zero percent for all land identified as Open Space. The motion was seconded by Selectman Vispoli and voted 4-0 to approve. Roll call vote: Selectmen Brian Major –Y, Mary Lyman-Y, Alex Vispoli-Y, and Chairman Paul Salafia-Y.

Motion: Selectman Major motioned to adopt the determination of a residential exemption factor of zero percent. The motion was seconded by Selectman Vispoli and voted 4-0 to approve. Roll call vote: Selectmen Brian Major–Y, Mary Lyman-Y, Alex Vispoli-Y, and Chairman Salafia-Y.

Motion: Selectman Major motioned to adopt a determination of a commercial exemption of zero percent. The motion was seconded by Selectman Lyman and voted 4-0 to approve. Roll call vote: Selectmen Major–Y, Mary Lyman-Y, Alex Vispoli-Y, and Chairman Paul Salafia-Y.

Selectman Kowalski had been verbally voting on multiple motions up to this point in the meeting. He was informed that he was unable to vote due to the fact that he was remotely participating in the meeting. He stated that remote participants are allowed to vote and that all votes must be via roll call according to the Attorney General’s website. The Town Manager left the room to contact Town Counsel and clarify the law. When the Town Manager returned, he communicated that Town Counsel confirmed that remote participants are allowed to vote and that all votes must be via roll call. The Board discussed the need to re-vote the tax classifications but due to the fact that the document needed to be signed and was already “sent in”, they decided not to re-vote the prior tax classification votes.

**B. FY-2014 – FY-2018 Capital Improvement Plan**

The Town Manager officially rolled out the FY-2014-2018 Capital Improvement Plan (CIP) as required by the Town Bylaws. The CIP for FY-2014 totals \$16,975,802 and represents 1.5% of the General Fund (policy allows for 2%). A presentation will be provided to the Finance Committee and School Committee at the December 3<sup>rd</sup> Triboard Meeting.

The CIP requests are selected to be funded through the following: General Fund \$2.2M; General Fund Borrowing \$9.6M; General Fund Exempt Borrowing \$1.5M; Special Dedicated Funds \$1.7M; and Water & Sewer Enterprises \$1.7M. The Town Manager gave an overview of the major categories and items requested.

Revenue and Expense Forecast for FY-14 in comparison to FY-13 shows the following:  
FY-13 Revenue \$146,802,992 Expenditures \$46,876,264 Balance: \$100,016,728 +4.5%  
FY-14 Revenue \$153,460,003 Expenditures \$51,115,787 Balance: \$102,344,488 +2.33%  
They are watching revenue discussions at the State level to determine what the State Aid might be, could be less than originally thought.

The Board of Selectmen will vote to adopt the CIP at their meeting on December 17<sup>th</sup>, and the Warrant for the 2013 Annual Town Meeting will close on January 18<sup>th</sup>. The Budget process runs through February /March, the Board votes on items in March/April and the Annual Town Meeting is scheduled for Monday, April 29, 2013. Selectman Vispoli suggested they use the Debt Analysis Tool at the Triboard Meeting to show that CIP projects cost and how they relate to other project costs.

Bob Pokress, 8 Cherrywood Circle, asked about the plan to cover the cost overrun of \$5M for the Bancroft School Project and where those funds will come from.

The Public Hearing ended at 8:55 P.M.

## **VI. Regular Business of the Board**

### **A. Andover Recycling Committee**

Keith Saxon, Chairman of the Recycling Committee, presented the Committee's vision for a drop-off recycling center at Town Yard. The easier it is to recycle, the more residents will recycle. Drop-Off Recycling will improve the level of service for residents, provide an opportunity for the Town to save significantly on annual operating costs, generate revenue from recyclables and will not require a large amount of space. It would allow for single stream recycling, an expansion of special waste collections (i.e. florescent lamps, batteries, CRT collections, special hazard collections, etc.), and the ability to respond to changing conditions. They also visualize a "reuse it" or swap/shop for books, cd's clothing, scrap metal/applicances, and return of cans and bottles to generate goodwill and revenue. Space layout needs would include a dumpster, roll-off shed, container boxes, comprehensive recycling drop-off area, and a full scale recycling transfer station. Interim DPW Director Chris Cronin thanked Mr. Saxon for his presentation and agreed it is an opportunity to expand Town services at little cost and something the residents would like to have available. Chairman Salafia said right now the Board is in the vision stage of the Town Yard project but would welcome the Recycling Committee's participation in Town Yard

discussion.

B. Andover Community Access & Media

Wess Murphy, Executive Director for the Andover Community Access & Media (ACAM) and Sara Antonakos, Program Director, provided a brief overview of their activities for the past calendar year. ACME has three parts – public, education, and government access. This year twenty-six new members were added, they experienced an increase in new shows, provided live streaming of meetings and assisted Youth Services with their fundraising telethon. In addition to the many Town/School board meetings televised, the Finance Committee and Conservation Committee meetings were added and the expectation is to add more broadcast sites and meetings in 2013. They work closely with the AHS TV program to provide students with a quality facility to study and produce television productions and look forward to helping to integrate media technology into the cafeteria, common spaces, and the classrooms. They also broadcast multiple Town events (Andover Day, Memorial Day Parade) and continue to reach out to Andover businesses.

C. Special Town Meeting Discussion

The Board discussed the possibility of a Special Town Meeting for additional funding for the Bancroft School construction project due to the increased cost expectation related to the delay in construction. Donna Walsh gave a recap of the Department of Revenue deadlines and criteria the Board of Selectmen has to provide. Contingencies in the budget are now insufficient. The Town has to consider a ballot initiative, have alternative billing scenarios prepared and to receive the MSBA funding, have to build what was committed to originally. Dates for a Special Town Meeting were discussed (Jan 28, Feb 4, Feb 11) with February 11<sup>th</sup> being the date that would more time to prepare.

Selectman Lyman motioned the Board vote to move forward with the Special Town Meeting for the Bancroft School Project on February 11, 2013. The motion was seconded by Selectman Major and voted 5-0 to approve. Roll call vote: Selectmen Dan Kowalski-Y, Brian Major-Y, Mary Lyman-Y, Alex Vispoli-Y, and Chairman Paul Salafia-Y.

D. Community Innovation Challenge Grants

On a motion by Selectman Vispoli and seconded by Selectman Major, the Board unanimously voted to authorize the Town Manager to sign the CIC grant applications on behalf of the Town. Roll call vote: Chairman Paul Salafia-Y and Selectmen Mary Lyman-Y, Alex Vispoli-Y, Brian Major-Y, and Dan Kowalski-Y.

E. Town Yard

The Board continued their Work Session regarding the Town Yard and talked about their vision for Town Yard if it is moved, having the Inspector of Buildings assess the current site, determine what the present risk is, and the steps to pursue an RFP. Acting DPW Director

Chris Cronin distributed a draft copy of the RFP requirements for acquisition of real estate for the Town Yard. The Town Manager said they have planned a Joint Meeting with the Planning Board and the consultant on December 10<sup>th</sup> to help shape the RFP discussion. Chairman Salafia talked about the change to the size of the footprint by having a second floor which could create more interest in potential responses to the RFP. Selectman Lyman values the current location. Chris Cronin and P&F Acting Director Maria Maggio will refine the RFP and bring it back to the Board for their consideration.

## VII. Consent Agenda

### A. Change of Manager – Andolini’s Restaurant – HOLD -

SCP, Inc., d/b/a Andolini’s Restaurant, 19 Essex Street, Andover, has applied for a Change of Manager on their All-Alcoholic Restaurant license. The new Manager on the license will be Spiro Pappadopoulos. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

### B. Appointments and Re-appointments

On a motion by Selectman Lyman and seconded by Selectman Vispoli, the Board voted 4-0 to approve the following appointments by the Town Manager.

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>COMMUNITY DEVELOPMENT &amp; PLANNING DEPARTMENT – Building Division</u>			
Raymond M. Costello	Local Building Inspector	IE22-5/\$66,402	12/3/12
(v. C. Clemente)			

### PLANNING BOARD – Term expires 6/30/14

Zachary C. Bergeron – Associate Member

(v. L. Loder)

### MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY – Term expires 6/30/13

Jacki Byerley – Alternate Member

On a motion by Selectman Lyman seconded by Selectman Vispoli, the Board voted 5-0 to approve the following appointments:

### ZONING BOARD OF APPEALS – Terms expire 6/30/15

Phillip L. Boness – Regular Member (v. N. Jeton)

Elizabeth M. Oltman – Associate Member (v. P. Boness)



Kate R. Bargnesi – Associate Member (v. S. Ranalli)

**VIII. Approval of Minutes from Previous Meetings**

On a motion by Selectman Lyman and seconded by Selectman Vispoli the Board vote 5-0 to approve the Minutes of the October 22, 2012 – Work Session and the Minutes of the Regular Meeting of November 5, 2012.

**IX. Adjournment**

At 10:34 P.M. on a motion by Selectman Major and seconded by Selectman Vispoli the Board unanimously motioned to adjourn the Regular Meeting of November 19, 2012.

Respectfully submitted,

Dee DeLorenzo, Recorder

Documents:           Tax Classification for FY-2012  
                             Andover Recycling Committee presentation for Town Yard Recycling Vision  
                             Draft of RFP to acquire real estate  
                             Letter from Merrimack Valley Chamber of Commerce re: tax classification  
                             Special Town Meeting Calendar